

## FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAFILED  
SCRANTON

SEP 25 2019

Per EA  
DEPUTY CLERK(1) PERCY DONER HS 6205  
(Name of Plaintiff) (Inmate Number)Box A 1 Rockwood Place, Bellefonte, PA 16823  
(Address)(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)\_\_\_\_\_  
(Address)(Each named party must be numbered,  
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) Parole Supervisor Heather Wink(2) Parole Agent Stacey Spicer(3) \_\_\_\_\_  
(Names of Defendants)(Each named party must be numbered,  
and all names must be printed or typed)Jury Trial DemandedTO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

## I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

2009Western DistrictSusan Paradise Baxter (Magistrate)DONER v. STAHL, MASON, Austin

## II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? \_\_\_\_ Yes ☒ No  
No grievance for parole.
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes \_\_\_\_ No
- C. If your answer to "B" is Yes:
1. What steps did you take? Talked to Majors, Captains, Lieutenants, sent requests to parole supervisor
  2. What was the result? No results
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

## III. DEFENDANTS

- (1) Name of first defendant: Heather Winck  
 Employed as Parole Supervisor at Rockview  
 Mailing address: Box A 1 Rockview Place - Bellefonte, PA 16823
- (2) Name of second defendant: Stacey Spicer  
 Employed as Parole Agent at Rockview  
 Mailing address: Box A 1 Rockview Place Bellefonte PA 16823
- (3) Name of third defendant: \_\_\_\_\_  
 Employed as \_\_\_\_\_ at \_\_\_\_\_  
 Mailing address: \_\_\_\_\_

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

## IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2.

3.

**V. RELIEF**

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1.

*See Attached*

2.

3.

## I JURISDICTION AND VENUE

1) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. sections 1331 & 1343(a)(3). Plaintiff Doner seeks punitive and compensatory relief pursuant to 28 U.S.C. section 2283 & 2284 & Rule 65 of the Federal Rules of Civil Procedure.

## II PLAINTIFF

1) Plaintiff Percy Doner is and was at all times mentioned herein a prisoner of the State of Pennsylvania, at State Correctional Institution Rockview, Located in Bellefonte, Pennsylvania.

## III DEFENDANTS

1) Defendant Parole Supervisor Heather Winck. Mrs. Winck is responsible to legally oversee parole agents and to make sure paperwork is done correctly.

2) Defendant Parole Agent Stacey Spicer. Mr Spicer is legally responsible to do inmates pre-parole, parole paperwork, homeplans and inmate releases.

3) Each Defendant is being sued in their individual and official capacity, at all times mentioned in this complaint each defendant acted under color of state law.

## IV FACTS

1) On December 7, 2018 Plaintiff Doner received paperwork from the Board of Pennsylvania Probation and Parole granting Plaintiff Parole.

2) On April 1, 2019 Plaintiff went to Parole Agent Spicer's office to ask about his homeplan. Plaintiff had paid \$125.00 for an Interstate Compact Agreement to go to New York to live with his father. (Father since deceased) Agent Spicer told Plaintiff he needed a letter stating someone would support him which Plaintiff could not get.

3) At the same meeting between Agent Spicer and Plaintiff Mr. Doner asked Agent Spicer about paroleing to Plaintiff's wife's in Bradford, Pennsylvania. Plaintiff was told by Agent Spicer he would need a phone number for wife's land

Lord so Agent Spicer could call and verify Plaintiff could live there. Phone number was given to Agent right then by phone call made to wife from Agent's phone.

8) Approximately 60 days later Plaintiff approached Agent Spicer on the walkway and asked the status of his home plan. Plaintiff was told by Agent Spicer "He would not call because he did not know who he would be talking too."

9) Plaintiff then the next day went to Agent Spicer's office and asked what he had to do to get out of prison. Agent Spicer told Plaintiff to get a written authorization from wife's landlord, which Plaintiff did and had sent to Agent over night express mail. See exhibit A

10) Once Agent Spicer got said authorization he faxed it to parole agent Shawn Hartman. Mr Hartman investigated the home, spoke to my wife and had Plaintiff's wife sign conditions for Plaintiff to live there.

11) Plaintiff waited 2 more weeks, then contacted Agent Spicer about home plan again. Plaintiff was called over to Agent Spicer's office and given his denial home plan paper.

12) There are 2 reasons my home plan was denied:

- a) Because Mr Spicer could not reach the landlord by phone.
- b) Because Mr Spicer says probation from McKeon County told him they don't think it's a good idea Plaintiff and his wife live together.

### EXHAUSTION OF LEGAL REMEDIES

13) Plaintiff has tried to resolve this complaint through the institution lieutenants, Captains, Majors, Deputy Wardens. There's no grievance system for the parole department.

14) Plaintiff keeps getting referred back to Parole Supervisor Mrs Winck whom Plaintiff has sent numerous requests (per DOC policy) which Mrs Winck refuses to answer.

### LEGAL CLAIM

15) Parole Supervisor Mrs Winck violated Plaintiff's 14<sup>th</sup> amendment's rights by not supervising her agents after numerous attempts of contacting her were made by Plaintiff, thus causing cruel and unusual



punishment and denial of due process. Not to mention the emotional and mental distress Plaintiff has had to suffer as has his family by expecting to be released.

16) Parole Agent Spicer violated Plaintiff's 8<sup>th</sup> & 14<sup>th</sup> Amendments by giving false information, acting with "deliberate indifference" and being "Malicious" in his dealing with Plaintiff.

17) Both Defendants acted with "Malicious" intent when it came to dealing with Plaintiff and were "Deliberate Indifferent" to his needs.

18) Agent Spicer would of never told Plaintiff about homeplan if Plaintiff would not of stopped Agent on side walk.

19) Plaintiff through an attorney and his wife contacted McKeen County Probation, (Jodi Tanner) Head of Probation told Plaintiff wife an attorney that at no time did anyone from McKeen Probation ever talk to Agent Spicer about Plaintiff Perry Doney or any Agent from State Parole about Plaintiff.

20) Plaintiff's wife's probation officer will gladly write a letter authorizing Plaintiff to reside with wife.

21) Agent Spicer also lied about speaking to landlord on phone. Plaintiff's wife will testify that landlord spoke to Agent from Plaintiff's wife's residence.

22) Agent Spicer contradicted himself by saying he did not want the landlord's number after he asked for it. Then turned down my homeplan because he said he could not reach the landlord.

23) Plaintiff tried to speak to Agent Spicer about why Mr Spicer was lying to him and Plaintiff asked to see Mrs Winck. Plaintiff was told "We won't talk about this, get out of my office."

24) Plaintiff has spoken to other Parole agents here and has been told that what Agent Spicer is doing is wrong. He is not allowed by law to do that.

## VII PRAYER FOR RELIEF

Wherefore Plaintiff respectfully pray that this court enter judgement:

25) Granting Plaintiff Doney a declaration that the acts and

omissions described herein violate his rights under the Constitution and Laws of the United States and,

26) Granting Plaintiff DORR Punitive Damages in the amount of \$500.00 per day jointly and severally since 4-1-19 thru 11-6-19 from each defendant.

27) Granting Plaintiff DORR Compensatory Damages in the amount of \$1,000.00 per day jointly and severally since 4-1-19 thru 11-6-19 from each defendant.

28) Plaintiff seeks the refund of the \$125.00 Interstate Compact (Parole Transfer Fee)

29) Parole Agent Spicer removed from his duties as an Agent.

30) Plaintiff also seeks recovery of cost of suit and

31) Any additional relief this court deems just, proper, and equitable.

Dated: 19<sup>th</sup> of September 2019

Respectfully Submitted: Percy Dorner

PERCY DORNER HS6205  
Box A T Rockview Place  
Belleville, PA.

16823

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19<sup>th</sup> day of September, 20 19.

Perry Doner  
(Signature of Plaintiff)



**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS  
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

**COVER SHEET**

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

\*\*\*\*\*

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed in forma pauperis. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

**CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.**

\*\*\*\*\*

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. **Check here if you are submitting the filing fee with the complaint form.** \_\_\_\_

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. **Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.** ☒

**Please Note:** If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

**DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS**

PERCY DONER HS 6205  
Box A. 1 Rockview Place  
Belleville, PA.

16823

RECEIVED  
SCRANTON

SEP 25 2019

Per  DEPUTY CLERK

OFFICE of the CLERK  
UNITED STATES DIST.  
MIDDLE DISTRICT of  
WILLIAM J. DEAKIN  
235 North Wash.  
P.O. Box 1148  
SCRANTON, PA

LEGAL MAIL